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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,380	01/22/2001	Fumio Nagashima	1080.1045CIPD3	1046

21171 7590 12/13/2002

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/13/2002

#10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/765,380

Applicant(s)
Nagashima et al.

Examiner
Anil Khatri

Art Unit
2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-55 and 58 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-55 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Response to Amendment

1. This action is in response to request for re-consideration filled on 10/15/02.
2. Rejected claims 53-55 under 35 U.S.C. § 112 and rejected claims 53-33 under 35 U.S.C. § 101 has been withdrawn by the examiner upon submitting clarification by the applicant.
3. As per applicant's request claims 53-55 has been considered but they are not persuasive.
4. Claims 53-55 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Shackelford et al* US Patent no. 5,265,206 as set fourth in paper no. 6.

In the remark the applicant argues that cited prior art fails to disclose:

I) "The cited reference (Schackelford et al USPN 5,265,206) does not suggest a graphical user interface" as to claims 53-55.

In response to applicant's argument,

I) It was noted that cited reference teaches implementing a messenger and object manger in object oriented programming environment to communicate with other object by passing objects depending on action (see column 2, lines 16) and having graphical user interface also depicted in figure 1, (see column 4, line 5, " a graphical representation..."), therefore, examiner interprets that user interface has been used in order to illustrate graphical representation and within application program in figure 1 also illustrate that user have integrated with the application with

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user interface. Therefore, a user interface has been used in order to manipulate or manage the objects. Thus, limitation are met by the reference.

Claim Rejections - 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 58 is rejected under 35 U.S.C. 102(b) as being anticipated by *Shackelford et al* US Patent no. 5,265,206.

Regarding claim 58

Shackelford et al teaches,

- monitoring the application for a predetermined event (see figure column 7, lines 14-25, "OM must resolve... at this time").
- when the predetermined event is issued issuing a message to inform another component of the predetermined event (column 5, lines 13-19, "the message is ... to that object").

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri Primary Examiner whose telephone number is (703) 305-0282, Mon-Fri (8:30 a.m.-5:00 p.m.)

9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

December 11, 2002


ANIL KHATRI
PRIMARY EXAMINER